

BURNABY CIVIC EMPLOYEES UNION
CUPE LOCAL 23

CONSTITUTION

AND

BY-LAWS

Amended: October 2025

Chartered by:

CANADIAN UNION of PUBLIC EMPLOYEES 23

Affiliated with:

CANADIAN UNION OF PUBLIC EMPLOYEES

PREAMBLE:

We, the Civic Employees of the City of Burnaby, the public service bodies within Burnaby and Affiliates, believing in the principles and appreciating the benefits to be derived through unity, do hereby adopt and declare the following Constitution and By-Laws for the government of this Local.

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ARTICLE 1 BURNABY CIVIC EMPLOYEES' UNION CUPE LOCAL 23

Section 1: Union Name
The name of this organization shall be "The Burnaby Civic Employees' Union, CUPE Local 23".

Section 2: Charter
This Local Union is chartered by the Canadian Union of Public Employees and is affiliated to the Canadian Union of Public Employees, British Columbia Division; the Canadian Union of Public Employees Metro Vancouver District Council; the Canadian Labor Congress; the British Columbia Federation of Labor; the New Westminster and District Labor Council.

ARTICLE 2 OBJECTIVES

This Local Union shall organize all workers within its jurisdiction, endeavor to obtain and maintain continuous employment for its members, protect the integrity of the bargaining unit and maintain just and reasonable working conditions and wages for all its members.

ARTICLE 3 LOCAL JURISDICTION AND STRUCTURE

Section 1: Jurisdiction
The jurisdiction of this Local Union shall include all of those workers employed by the City of Burnaby and the Burnaby Public Library who fall within the bargaining unit.

Section 2: Structure

a) Within the general structure of this Local Union, there shall be, for the purpose of harmony, discussion and administration, four Divisions; the Outside Division, the Inside Division, the Foreperson's Division and the Library Division.

b) Each Division's membership shall consist of all those employees who work under the certification of that Division.

c) The Outside Division, known as the parent body by virtue of the Local Union's history, charter and certification, is considered the senior group within the Local Union.

d) These Divisions are formed to promote the business and affairs of this Local Union as a whole, and not to divide the members.

ARTICLE 4 MEMBERSHIP

Section 1: Application for Membership

a) Every person employed within the jurisdiction of this Local Union may apply for membership provided that this person is employed by the City of Burnaby or the Burnaby Public Library at the time of their application.

b) Applications for membership shall be made on a form provided by the Treasurer and must be accompanied by an initiation fee unless automatically deducted/submitted by

City of Burnaby.

c) An application for membership in good standing shall be accepted or rejected by vote of the membership at a General Meeting or by a vote of the membership of the concerned Division.
d) Application or initiation fees shall not be charged to any applicant for membership in this Local Union if the applicant provides a valid withdrawal or transfer card from, and is a paid-up member of, the Canadian Union of Public Employees.

Section 2: Initiation Fee

As required in the National Constitution, the initiation fee and re-admittance fee to accompany the application for membership, shall be set by the membership from time to time, but shall not be less than ten dollars.

Section 3: Member in Good Standing Status

A member of the Local Union shall be considered in good standing if:

a) They have properly applied and been accepted as members; and
b) They have taken the Oath of Obligation; and
c) They have not engaged in activities contrary to the Oath of Obligation or to the Constitution and By-Laws and policies of the National Union; and
d) They are employed and paying Union dues.

Section 4: Entitlements

Maintaining 'member in good standing' status entitles members to:

a) Stand for elected office (provided they meet the eligibility requirements);
b) Participate in educational functions made available through CUPE or affiliated organizations;
c) Stand for election or appointment as a delegate to conventions and conferences or to represent this Local Union to affiliated organizations;
d) Be eligible for grants, scholarships or financial assistance provided by the Local Union;
e) Be eligible to receive the member benefit (retirement, death, wellness baskets);
f) Be eligible for other entitlement that may be determined by the membership of this Local Union.
g) All members in good standing in this Local Union shall be provided with a copy of the Constitution and By-Laws and the Collective Agreement.
h) Any member in good standing may request a copy of the Financial Policy Manual or National Constitution.

Section 5: Revocation of Member Status
The 'member in good standing' status may be revoked for failure to comply with all of the requirements of Section 5, or as a consequence of Article 11 - Trial Procedure of this Constitution.

ARTICLE 5 OFFICERS

Section 1: Officers and Terms
The Officers of this Local Union shall be:

a) President, elected for a three-year term;
b) First Vice-President (Chairperson of the Outside Division), elected for a one-year term;
c) Second Vice-President (Chairperson of the Inside Division), elected for a one- year term;
d) Third Vice-President (Chairperson of the Foreperson's Division), elected for a one-year term;
e) Fourth Vice-President (Chairperson of the Library Division), elected for a one-year term;
f) Vice-Chairperson of the Outside Division, elected for a one-year term;
g) Vice-Chairperson of the Inside Division, elected for a one-year term;
h) Vice-Chairperson of the Foreperson's Division, elected for a one-year term;
i) Vice-Chairperson of the Library Division, elected for a one-year term;
j) Second Vice-Chairperson of the Outside Division, elected for a one-year term;
k) Second Vice Chairperson of the Inside Division, elected for a one-year term;
l) Second Vice-Chairperson of the Foreperson's Division, elected for a one-year term;
m) Second Vice-Chairperson of the Library Division, elected for a one-year term;
n) Secretary, elected for a two-year term, on odd numbered years;
o) Treasuer, elected for a two-year term, on even numbered years;
p) Trustees, one from each Division, shall be elected for a two-year term.
q) Outside and Library Trustees shall be elected in even numbered years.
r) Inside and Foreperson's Division Trustees shall be elected in odd numbered years.
s) Two (2) Precarious Worker's representatives, each elected for a one-year term.

Section 2: Table Officers
The Table Officers of this Local Union shall be the President, Secretary and Treasurer.

Section 3: Executive Board
The Executive Board of this Local Union shall be all of the Officers listed in Section 1, excluding the Trustees.

ARTICLE 6 DUTIES OF OFFICERS

Section 1: Signing Officers

a) The President, Secretary and when applicable, the Divisional Chairpersons, shall be Signing Officers of the Local Union on all matters pertaining to the Local Union except on matters of the Treasury.

b) The President, Treasurer and the four (4) Vice-Presidents shall be the signing officers.

c) The Treasurer and the President shall be the main Signing Officers.

d) In the absence of either the Treasurer or the President, the Executive Board may direct any of the four Vice-Presidents to be the alternate Signing Officers.

e) All Signing Officers shall be bonded in amounts deemed appropriate by the Executive Board and approved by the National Union.

f) The Signing Officers for the Treasury shall hold title to any real estate of the Local Union as trustees for the Local Union.

g) They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and obtaining approval.

Section 2: Full-Time Officer

The Office of President shall also incorporate the position of Full-Time Officer and includes this position in all references to the position of President elsewhere in this document.

Section 3: Duties of President

The President shall:

a) Preside at all General and Executive Board meetings of the Local Union;

b) Sign all orders on the Treasury as directed by the membership

c) Appoint all committees not otherwise ordered;

d) Transact any other such business consistent with the authorities of office as may be necessary for the proper functioning of the Local Union.

Section 4: Duties of Vice-Presidents

The First, Second, Third and Fourth Vice-Presidents shall

a) Preside at all meetings of their respective Divisions;

b) Each shall appoint all committees not otherwise ordered;

c) Transact such other business as may pertain to their office and which may be necessary for the proper functioning of their Division.

Section 5: Acting-President

The First Vice-President shall perform the duties of the President:

a) in the absence of that Officer,

b) when called upon by the President

c) In the case of the resignation or death of the President, until the vacancy is filled as provided in this Constitution.

d) Each of the First through Fourth Vice- Presidents shall succeed and assume the duties of those in succession ahead of them.

Section 6: Duty to Maintain the Affairs of the Union

a) In order to assure the proper functioning of this Local Union, where the President and Vice-Presidents are attending conventions or other functions, one of the Vice-Presidents shall remain to attend to the affairs of this Local Union.

b) The President, with the approval of the Executive Board, shall determine which of the Vice-Presidents shall remain.

Section 7: Acting-Chairperson

The Vice-Chairpersons shall perform the duties of the Chairperson of their Divisions

a) In the absence of that officer

b) In the case of the resignation or death of the Chairperson until such vacancy is filled as provided in this Constitution.

Section 8: Duties of the 1st Vice-Chairperson

The First Vice-Chairpersons shall:

a) Act as the Chief Shop Stewards of their Divisions

b) Keep the Chairpersons fully informed of all matters in which they are involved.

Section 9: Duties of the 2nd Vice-Chairperson

The Second Vice-Chairpersons shall:

a) Perform the duties of the Vice-Chairpersons in the absence of that Officer;

b) In the case of the resignation or death of the Vice-Chairperson, until such vacancy is filled as provided in this Constitution.

c) Assist the other Divisional Officers as necessary, including grievance handling and attending meetings as required.

d) Shall ensure that Shop Stewards inform new employees of their responsibilities for initiation and application fees.

Section 10: Duties of the Secretary

The Secretary shall:

a) Keep a correct, full and impartial record of the proceedings of each meeting of the General Membership, Divisional Membership and Executive Board;

b) Receive the minutes of each committee meetings and make these available to the membership;

c) Be responsible for the presentation of all motions by each Division that must also be considered by any other Division;

d) Be responsible for presenting to General Membership and Divisional Membership meetings all motions arising from the Executive Board;

e) Perform such duties as the Local Union or Constitution may direct.

Section 11: Duties of the Treasurer

The Treasurer shall:

a) Keep all financial accounts of the Local Union;

b) Maintain correct and proper records of the membership;

c) Receive all initiation fees, dues and assessments from members and shall deposit same in the name of the Burnaby Civic Employees' Union, CUPE Local 23, in such a bank as the Executive Board may direct;

d) Present to the membership at least as often as the April Annual General Membership Meeting, or more frequently as directed by the Trustees, a complete financial statement of the Local Union's expenditures, assets and liabilities;

e) Perform such duties as the Local Union or Constitution may direct.

Section 12: Duties of the Trustees

The Trustees shall:

a) Audit the books of the Treasurer per the provisions of the Financial Policy Manual;

b) Exercise general supervision over the property of this Local Union including an annual inventory audit per the provisions of the Financial Policy Manual;

c) Examine the books and records of the Treasurer at least quarterly, and shall report to the next regular membership meetings following the end of each quarter on:

- the condition of the funds and accounts
- the number of members in good standing
- the members initiated, expelled or suspended, admitted or withdrawn
- such other information as they may deem necessary for the efficient and honest administration of this Local Union.

d) It is the role of the Trustees to make recommendations to the Executive Board but, at their discretion, the Trustees may make recommendations directly to the membership.

Section 13: Duties of Precarious Worker's Representatives

The Precarious Worker's representatives shall:

a) Keep the Chairperson of their respective Division informed of all matters in which they are involved.

b) Assist the other Divisional Officers of their respective Divisions as necessary, including grievance handling and attending meetings as required.

ARTICLE 7 NOMINATIONS AND ELECTIONS OF OFFICERS

Section 1: General

The fundamental principles of nomination and election procedures shall be:

a) One vote per member in good standing;

b) Confidentiality of votes;

c) Authenticity of votes;

d) As much as possible, equal opportunity for all members in good standing to nominate and to vote.

Section 2: Election Notice and Appointment of Elections Committee

a) The Executive Board shall appoint an Election Committee of not more than six members, including two each from the Outside and Inside Division, and one each from the Foreperson's and Library Divisions;

b) An Election Notice (including the names of Election Committee members) shall be posted by the first day of March each year;

c) Members of the Election Committee shall not be Executive Board members nor shall they be eligible to run for Table Officer, Executive Board or Trustee positions.

Section 3: Role of Elections Committee

The Election Committee shall:

a) Elect a chairperson from among its members who shall be deemed the Returning Officer for this election;

b) Be responsible to ensure that all nominees are members in good standing the day following the Nominating Meeting;

c) Assist the Returning Officer as required;

d) Receive nominations for Table Officer, Executive Board and Trustee positions;

e) Forward all nominations to the membership at the nomination meeting;

f) Forward all letters of acceptance to the nomination meeting;

g) Forward all recommendations for changes to electoral procedures to the Executive Board before the end of June.

Section 4: Role of Returning Officer

The Returning Officer shall:

a) Be responsible for the proper operation of the balloting procedures;

b) Be responsible for a complete count of the ballots;

c) Be authorized by the Executive Board to carry out such steps as may be necessary to fulfill their responsibilities;

d) Ensure that proper balloting records and lists are maintained.

e) The Returning Officer shall have authority to investigate and rule upon any election complaints. Should a candidate request a recount of the results of the Election; the Returning Officer shall direct the process.

Section 5: Eligibility for Nomination

To be eligible for nomination, a member must

a) Be a member in good standing

b) Have attended a minimum of two General Membership or Divisional meetings in the

previous twelve (12) months;

c) A member can hold only one elected Officer or Trustee position at a time;

d) If a current officer or trustee wishes to stand for a vacant position, they shall vacate their current position on the date of election.

e) For the two (2) precarious worker's representatives, the nominated member(s) must be working as either a Temporary Full Time, Permanent Part Time, or Auxiliary worker at the time of their nomination and for the duration of their term if elected.

Section 6: Nominations

a) The General Membership Meeting held in March shall be deemed the Nomination Meeting;

b) Nominations can be made from the floor of the Nomination Meeting;

c) Nominations shall only be made by members in good standing;

d) Nominations for Divisional Officers and Trustees may only be made by members of that Division;

e) A member shall only be nominated for one position;

f) A member who is eligible for nomination but is unable to attend the Nomination Meeting shall, by signed letter or email, notify the Election Committee of their intention to stand for office should they be nominated.

Section 7: Elections

a) All balloting shall be conducted electronically or in person. Secret balloting shall be done for both paper and electronic balloting.

b) In person - paper balloting shall take place at the Local Union Office or location(s) designated by the Election Committee, between eight AM and eight PM on the day before the Annual General meeting.

c) Electronic voting shall be open for at least seven days, remaining open until eight PM on the day preceding the Annual General Membership Meeting. During the electronic voting period, members may vote electronically, with staff assistance, at the Union Hall during regular business hours.

d) Each Division's membership shall consist of all those employees who work under the certification of that Division. The President, Secretary, Treasurer, and Precarious Worker Representatives, shall be voted for by the entire membership. Members of their respective divisions shall vote for divisional Chairs, Vice-Chairs, Second Vice-Chairs, and the Trustees. Members who work in multiple divisions may only vote in one division. The choice of what division they vote in is at their discretion.

e) When two or more nominees are to be elected to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled;

Section 8: Election Results

a) The candidate who receives a simple majority of votes cast, will have been elected;

b) The results of each election shall be announced at the Annual General Membership Meeting, at which time, the newly-elected Officers shall be sworn in;

c) The outgoing Table Officers shall retain their position until the end of April and shall work with the newly-elected Officers for the purpose of ensuring a full and orderly transfer of responsibilities;

d) In the event that a Division fails to elect any of its officers pursuant to the above, the President shall appoint an officer or officers from the Division concerned on a temporary basis for a period not longer than 60 days until a by-election can take place;

e) In the event of a tie vote for a position, a run-off vote will be held prior to the May membership meeting and the results announced at the May membership meeting;

Section 9: Vacancies

a) If for any reason a position other than the position of President, Secretary or Treasurer becomes vacant, the vacancy shall be filled for the duration of the term by an appointment of the President, with the approval of the Executive Board for a period no longer than 60 days until a by-election can be held;

b) Should the position of President become vacant for any reason, an assumption of duties subject to Article 6, Section 6, shall apply for a period no longer than 60 days until a by-election can be held;

c) In the event that an assumption of duties by seniority is not practicable, the Executive Board shall appoint from the membership to temporarily fill the vacant position for a period no longer than 60 days until a by-election can be held;

d) An election must be held within sixty (60) days to fill the vacant position.

e) Should the position of Secretary or Treasurer become vacant for any reason, the Executive Board shall appoint from the membership to temporarily fill the vacant position for a period of no longer than 60 days until a by-election can be held;

f) Subsequent to such appointment, an election must be held within sixty (60) days to fill the vacant position.

ARTICLE 8 MEETINGS

Section 1: General Membership Meetings

a) General membership meetings shall be held once per month except during the months of July, August and December.

b) General membership meetings shall be held on the third Wednesday of each month at a time and place designated by the President in consultation with the Executive Board.

c) Where it is not possible to hold a meeting on the third Wednesday an alternate time and date will be arranged by the President in consultation with the Executive Board.

d) In order to facilitate attendance by all members, a minimum of two General

Membership meetings shall take place on a Saturday.

Section 2: Quorum

a) The quorum for a general membership meeting shall be double the Executive number plus one.

b) The quorum for a Divisional meeting shall be eleven members, including the Officers of that Division, but excluding the Table Officers.

c) The quorum for an Executive Board meeting shall be a majority of the positions on the Board, with at least one Officer from each Division represented.

d) Where a quorum is not obtained at a Local Union membership meeting:

- the Executive Board shall be empowered to conduct the business of the Local Union, including financial transactions (subject to the Financial Policy Manual), as may be necessary until a quorum is achieved at the next regularly scheduled meeting
- A record of the meeting (noted as 'without quorum') and decisions will be included in the President's Report to the next Executive and General Membership meetings.

Section 3: Annual General and Extraordinary Meetings

a) The President shall be responsible for calling an Annual General Membership Meeting during the month of April, at a time and place approved by the Executive Board.

b) An extraordinary membership meeting may be called at the discretion of the President or must be called upon receipt by the Executive Board of a petition requesting such a meeting signed by a minimum of twenty members in good standing.

c) Any such meeting so requested shall be held as soon as reasonably possible.

Section 4: Divisional Meetings

a) Divisional meetings may be called at any time at the discretion of a Division's Executive or must be called upon by receipt by the Division of a petition requesting such a meeting signed by a minimum of ten members in good standing.

b) Any such meeting so requested shall be held as soon as reasonably possible.

Section 5: Sergeant-at-Arms Committee

a) For the purpose of ensuring order at membership meetings, a Sergeant-at-Arms Committee shall be appointed each year subsequent to the Annual General Membership Meeting;

b) This Committee shall comprise four members, one member and appointed by each Division;

c) The duties of the Sergeant-at-Arms shall:

- Prevent persons who are not current members in good standing from entering a membership meeting unless requested to do so by one of the Table Officers;
- Prevent members from leaving a membership meeting during the taking of a vote without the express permission of the Presiding Officer;

- Be responsible for the distribution and collection of applications for membership;

(The collection of fees shall be the sole responsibility of the Treasurer);

- To assist in balloting as required;
- To act under the direction of the Presiding Officer at membership meetings as necessary to ensure orderly proceedings.

ARTICLE 9 SHOP STEWARDS

Section 1: Appointment

a) The Vice-Chairperson of each Division is authorized to appoint one or more Shop Stewards. This does not preclude the election of Shop Steward at the discretion of the Division concerned.

b) The number of Shop Stewards representing any particular group shall be determined by the circumstances and problems of the members concerned.

Section 2: Duties

a) It is the duty of the Shop Steward to know the Divisional Collective Agreement, Local Union Constitution, By-Laws and Rules thoroughly and to work for their enforcement.

b) Shop Stewards shall be responsible for distributing notices approved by the Executive Board and received from the Divisional Vice-Chairperson.

c) A Shop Steward may at any time take up a grievance on behalf of another member to a supervisor, superintendent or department head;

d) Where a grievance cannot be settled by such representation, the matter shall be referred to the Chairperson and Vice-Chairperson.

e) In all cases, the Vice-Chairperson shall be kept informed as to all matters handled by a Shop Steward.

Section 3: Shop Steward Committee

a) Shop Stewards shall meet as a group at least once per month, at a time and place designated by the Divisional Vice-Chairperson;

b) The Vice-Chairperson shall preside at these meetings and report at Divisional or Local Union membership meetings on the business of the Shop Stewards.

ARTICLE 10 GENERAL PROVISIONS

Section 1: Dues

The regular Union dues for each member of this Local Union shall be 2.0% of regular bi-weekly earnings and shall not include overtime pay.

Section 2: Assessments

Assessments may be levied in accordance with Article B.4.2 of the National Constitution.

Section 3: Officer/Trustee Attendance

If an Officer fails to attend three consecutive membership meetings or three consecutive executive meetings without good and sufficient reason, their office will be declared vacant and filled in accordance with Article 7.

Section 4: Leave of Absence

a) Should an Officer or Trustee take a leave of absence from their employment, or is seconded to or employed on a temporary basis by CUPE or any other organization to which this Local Union is affiliated and their absence is of thirty calendar days or longer, that Officer or Trustee is required to temporarily cede their office to their successor in accordance with Article 6. Upon their return, that person will be fully re-instated to their office.

b) Should an Officer or Trustee take a leave of absence from their employment, or is seconded to or employed on a temporary basis by CUPE or any other organization to which this Local Union is affiliated and their absence is of 90 calendar days or longer, that Officer or Trustee is required to permanently cede their office to their successor.

Section 5: Shop Steward Authority

Any member, on being reproached by a Shop Steward concerning a breach of the Constitution, By-Laws of this Local Union or the Collective Agreement, or who disparages, insults or otherwise does not recognize the authority of a Shop Steward may be liable to the discipline of the Local Union membership.

Section 6: Picket Line

a) Any member, who violates an authorized picket line without sanction of the Executive Board or Strike Committee in charge of the strike, shall no longer be considered a member in good standing;
b) Reinstatement as a member of good standing shall be in accordance with Article 11.

Section 7: Rules of Order

a) All rules and procedures not described in this document shall be decided in accordance with “Bourinot’s Rules of Order”.

b) It shall be the responsibility of the Secretary to ensure that a copy of “Bourinot’s Rules of Order” is available for reference at every meeting.

ARTICLE 11 MEMBER COMPLAINTS AND CONDUCT

Where any Officer or member of this Local Union is alleged to have committed an offence against the National Constitution, any charges against that Officer or member must be made in writing and shall be dealt with in accordance with Article B.XI of the National Constitution. Additionally, the CUPE Code of Conduct applies to events held by local unions, including CUPE 23. The Code of Conduct can be found in Article G.

ARTICLE 12 OBLIGATION

a) All applicants for membership to this Local Union shall be initiated and must clearly communicate or affirm this oath.

b) The Presiding Officer asks the membership to witness the initiation of the applicants.

Obligation:

I, ……., solemnly promise and declare that I will support and comply with the Constitution of this Local Union; That I will strive to improve economic and social conditions for my fellow members and for working people generally; That I will defend and strive to extend the democratic rights and liberties of all working people; That I will not purposely or knowingly wrong, or assist others in wronging a member of the Union.

ARTICLE 13 INSTALLATION OF OFFICERS

The newly elected officers must clearly communicate or affirm this oath.

"I, ……., sincerely promise that I will truly and faithfully, and to the best of my ability, perform the duties of my Office for the ensuing term as prescribed in the Constitution and By-Laws of this Union; and, as an Officer of this Union, will endeavor both by my counsel and example, to promote the harmony and preserve the dignity of its session. I further promise that at the close of my official term, I will promptly deliver any monies or property of this Union in my possession to my successor in office."

ARTICLE 14 AMENDMENTS TO THE CONSTITUTION AND BY-LAWS

The notice provision in Article B.5.1 of the National Constitution is to give notice of the intention to propose amended or additional bylaws at least seven days before at a previous membership meeting or 60 days before in writing.

The process of this Local Union shall be:

Section 1: Amendments

a) All proposed amendments to the Constitution and By-Laws must be submitted to the Union Office by the first Wednesday of September.
b) Any proposed amendments not originated by the Constitution Committee or the Trustees' Committee will be immediately forwarded to either of those committees, where applicable, for review.
c) The Executive Board will provide its opinion, if any, on the proposed amendment to the respective committees no later than the second Wednesday of September.
d) The President, with the approval of the Executive Board, may call for a special information meeting to discuss the proposed amendments.
e) Committee recommendations must be made prior to the General Membership Meeting in September.
f) Proposed amendments, with or without committee recommendations, will be

announced at the September General Membership Meeting.

g) The lack of committee recommendations will not delay the announcement of proposed amendments.

Section 2: Notice of Motion

a) A Notice of Motions on proposed amendments shall be posted for all Union members by October 1.

b) The Notice of Motions shall contain the list of Articles/Sections for which amendments are proposed.

c) The Notice of Motions shall be posted at all worksites and on the CUPE Local 23 website.

d) The Notice of Motions must be signed by two members in good standing.

e) All amendments referred to in the Notice of Motions shall be made available at the Union Office and on the CUPE Local 23 website.

f) The proposed amendments referenced in the Notice of Motions will be put to vote at the October General Membership Meeting.

g) The President, with the approval of the Executive Board, may call for a special information meeting to discuss the proposed amendments.

h) All amendments to the Constitution and By-Laws require a two thirds majority vote of those members in attendance in order to pass.

i) If quorum is not achieved at the October General Membership Meeting, the Notice of Motions shall be reposted at least two weeks before the November Membership Meeting.

j) If quorum is not achieved at the November General Membership Meeting, the Notice of Motions cannot be reintroduced until the following year, following the previous process in Sections One through Four of this Article.

Section 3: Record of Amendments

a) The Secretary shall record all amendments to the Constitution and By-Laws that have
b) been adopted by this Local Union in the minutes of the meeting at the time that they occur.
c) The Secretary shall also record the amendments that are adopted between the printings of the Constitution and By-Laws in a book kept for this purpose.

d) This book shall be made available at every Executive Board, Local Union membership and Divisional meeting.

ARTICLE 15 AMENDMENTS TO THE FINANCIAL POLICY

Section 1: Amendments

a) All proposed amendments to the Financial Policy Manual must be submitted to the Union Office by the first Wednesday of May.

b) Any proposed amendments not originated by the Executive Board or the Trustees'

Committee will be immediately forwarded to either of those committees, where applicable, for review.

c) The Executive Board will provide its opinion, if any, on the proposed amendment to the respective committees no later than the second Wednesday of May.

d) The President, with the approval of the Executive Board, may call for a special information meeting to discuss the proposed amendments.

e) Committee recommendations must be made prior to the General Membership Meeting in May.

f) Proposed amendments, with or without committee recommendations, will be announced at the May General Membership Meeting.

g) The lack of committee recommendations will not delay the announcement of proposed amendments.

Section 2: Notice of Motion

a) Notices of Motion on proposed amendments shall be posted for all Union members by June 1.

b) All Notices of Motion must be signed by two members in good standing.

c) Notices of Motion will be put to vote at the June General Membership Meeting.

d) The President, with the approval of the Executive Board, may call for a special information meeting to discuss the proposed amendments.

e) All amendments to the Financial Policy Manual require a two thirds majority vote of those members in attendance in order to pass.

f) If quorum is not achieved at the June General Membership Meeting, the Notices of Motion shall be reposted at least two weeks before the September Membership Meeting.

g) If quorum is not achieved at the September General Membership Meeting, the Notices of Motion cannot be reintroduced until the following year, following the previous process in Sections 1 through 4 of this Article.

Section 3: Record of Amendments

a) The Secretary shall record all amendments to the Financial Policy Manual that have been adopted by this Local Union in the minutes of the meeting at the time that they occur.

b) The Secretary shall also record the amendments that are adopted between the printings of the Financial Policy Manual in a book kept for this purpose.

c) This book shall be made available at every Executive Board, Local Union membership and Divisional meeting.

d) Changes approved by the membership to the Financial Policy shall not be in effect until approved by the President of the Canadian Union of Public Employees.

BY-LAWS

ARTICLE A COMMITTEES AND DELEGATES

Section 1: Ex-officio

a) The President shall be ex-officio to all committees of this Local Union, except the Labour Liaison Committee and the Trustees Committee.

b) The Chairpersons of Divisions shall be ex-officio to all committees of their Divisions.

Section 2: Constitution and By-Laws Committee

The Constitution and By-Laws Committee shall:

a) Be a standing committee;

b) Be comprised of five members including one member appointed from each Division plus an Executive Board member;

c) Be responsible to submit recommendations to the Executive Board for all amendments to the Constitution and By-Laws as deemed necessary.

Section 3: Negotiating Committee

A Negotiating Committee shall:

a) Be formed prior to the expiry of the current Collective Agreement;

b) Be comprised of the President, the Chairpersons of each Division, plus two additional members from each Division elected by their respective Divisions.

c) Elections to the Negotiating Committee shall be conducted electronically. Each Division shall call a Division Nomination Meeting for this purpose, where nominations can be made from the floor and nominated members must accept their nomination in person, in writing or by electronic communication. Balloting shall be conducted electronically by secret ballot. Electronic voting shall be open for at least seven days, remaining open until eight PM on the final day of voting. When two or more nominees are to be elected, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled. The candidate(s) who receive a simple majority of votes cast, will have been elected. In the event of a tie vote for a position, a run-off vote will be held.

d) Fill any vacancy due to the inability of any member to serve, through appointment by the President in consultation with the applicable Division Chairperson.

Section 4: Retired Members Association

a) A member who was in good standing at the time of their retirement, may apply to be a member of the Retired Members Association;

b) Once approved by the membership, the Retired members may attend Union meetings with voice but no vote.

c) The Retired Member Association may elect their delegates to represent our local to Retired Members' Organizations within the Trade Union Movement.

Section 5: Grievance Committee

A Grievance Committee for each Division shall:

a) Be comprised of the President, the Chairperson and Vice-Chairpersons of each Division and the Business Agent.

b) Appoint additional members at the discretion of the Division concerned.

c) The Business Agent shall have no vote in any matters presented to any Joint Grievance Committee.

Section 6: Joint Grievance Committee

The Joint Grievance Committee shall be comprised of all members of the Grievance Committee.

a) The Business Agent shall have no vote in any matters presented to the Joint Grievance Committee.

Section 7: Labour Liaison Committee

A Labour Liaison Committee shall:

a) Be comprised of the Chairperson of each Division.

b) Be responsible for representing the Local Union membership in negotiating working conditions and remuneration for employees of the Local including the President and any other employees of the Local Union as applicable;

c) Receive a copy of the CUPE BC-COPE378 Collective Agreement.

Section 8: Committees

Committees shall:

a) Be formed or altered as deemed necessary upon approval by the Executive Board.

b) Appoint a chairperson and recorder;

c) It shall be the responsibility of all committees of this Local Union to keep minutes of their proceedings and forward these to the Secretary.

Section 9: External Affiliations, Committees or Councils

a) The Executive Board shall recommend, as required, their nominees for appointments as delegates to the various external affiliations, other committees or councils;

b) The recommendations will be put before the membership to accept, amend or reject.

c) In exceptional circumstances, the Executive Board shall have the authority to make temporary appointments.

Section 10: Business Agent

a) The terms and conditions of employment pertaining to each person proposed for employment shall be fully and clearly stated in a resolution adopted firstly at an Executive Board meeting, and subsequently, at a General Membership meeting. No current member of CUPE 23 shall be eligible to apply to the position of the Business Agent.

ARTICLE B MEMBER BENEFITS

Section 1: Death Benefit

a) Upon the death of a member in good standing, a death benefit shall be paid to the member's beneficiary as dictated by the member's estate.

b) The amount of the death benefit shall be determined from time to time by the membership and shall be set out in the Financial Policy Manual.

Section 2: Retirement Benefit

a) Upon the recognized retirement of a member in good standing with at least ten years of membership in the Local Union, a retirement benefit shall be paid.

b) The amount of the retirement benefit shall be determined from time to time by the membership and shall be set out in the Financial Policy Manual.

ARTICLE C RULES OF ORDER

Section 1: General

a) Sectarian discussion shall be not be permitted at any time during the meeting.

b) Members shall not enter or leave the meeting during the reading of the Minutes, Initiation of new members, Installation of new Officers, or the taking of a vote.

c) Members shall not leave the meeting without permission of the Presiding Officer.

d) All business done in the Local Union or Division meetings shall be strictly secret to all outside the Local Union.

Section 2: Presiding Officer Authority

a) The Presiding Officer shall state every question coming before the Local Union or Division and before allowing debate thereon, and immediately putting it to a vote, shall ask, "Are you ready for the question?"

b) Should no member rise to speak and the Local Union or Division indicates readiness, the question shall then be put;

c) After the Presiding Officer has risen, no member shall be permitted to speak upon it.

d) The Presiding Officer shall take no part in debate while presiding, but may yield the Chair to the First Vice-President in order to speak on any question before the meeting, or to introduce a new question.

e) The Presiding Officer shall have the same rights as any other members to vote on any question.

f) The Presiding Officer can choose to refrain from voting until a tie vote is indicated at which time, they may cast their vote to break the tie.

Section 3: Request to Speak

a) To speak or offer a motion, a member shall rise in place and respectfully address the Presiding Officer

b) Once recognized by the Presiding Officer, a member shall speak

c) If a member rises on a point of order or on a question of privilege, they need not wait to be recognized.

d) When two or more members rise to speak at the same time, the Presiding Officer shall determine which of them shall have the floor.

e) Every member, while speaking, shall:

- adhere to the question under debate
- avoid all personal, indecorous or offensive language
- refrain from any comments that reflect on the Local Union or any member.

f) If a member, while speaking, is called to order, they shall cease speaking until the point is determined

g) Once the point is determined, they may resume speaking if it is appropriate to do so.

h) A member shall not speak for more than ten (10) minutes at any one time, nor more than once on the same question, until all members wishing to speak have had the opportunity to do so, except for the Chairperson of a Committee or the mover or seconder of a resolution

i) A member may then be allowed to speak again, with permission from the Presiding Officer.

Section 4: Making a Motion

a) A motion must be seconded to be entertained by the Presiding Officer;

b) The mover and seconder must rise and be recognized by the Presiding Officer.

c) All resolutions and motions, other than those named in Section 6 d), or to accept or adopt the report of a committee shall be presented in writing before being put to the meeting if requested by the Presiding Officer.

Section 5: Amending a Motion

a) A motion to amend, or to amend an amendment, shall be in order;

b) An amendment, or amendment to an amendment, shall not be in order if it is a direct negative to the original motion.

c) A motion to amend an amendment to an amendment shall not be permitted.

d) At the request of any member, and upon a majority vote of those present, a question may be divided when it makes sense to do so.

e) A member may ask for a 'division'

- Before the Presiding Officer declares the vote on a question,
- or after a vote has been declared lost or carried,
- and before the meeting proceeds further;

A standing vote shall then be taken and the Recording Secretary shall count the same.

f) Any member having made a motion can withdraw it, with the consent of the seconder provided it has not been debated;

g) A motion, once debated, cannot be withdrawn except by a majority vote of those present.

Section 6: Putting the Question:

a) A motion for the previous question, when regularly moved or seconded, shall be put into this form: "Shall the main question now be put?"

b) If adopted, the Presiding Officer shall proceed to take the vote on the resolution and amendments to it (if any) according to their priority.

c) If an amendment or an amendment to an amendment is adopted, the original resolution, as amended shall be put to the meeting.

d) Once the question has been put, a motion shall not be in order except

- to adjourn (without debate);
- the previous question (without debate);
- to lay on the table (without debate);
- to postpone for a definite time;
- to refer (without debate);
- to divide
- to amend.

e) These motions shall have precedence in the order named.

Section 7: Motion of Reconsideration

a) After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move a motion of reconsideration.

Section 8: Suspending the Order of Business

a) On motion, the regular order of business may be suspended to deal with any urgent business.

b) Such a motion shall require a two- thirds majority of those present.

Section 9: Motion to Adjourn

a) A motion to adjourn is in order except

- when a member has the floor;
- when members are voting.

b) A motion to adjourn, having been put and lost, shall not be in order again until fifteen (15) minutes have elapsed.

Section 10: Appealing the Decision of the Presiding Officer

a) If any member shall feel personally aggrieved by the decision of the Presiding Officer,

they may appeal to the meeting from such a decision.

b) When the decision of the Presiding Officer is appealed, the Presiding Officer shall state the decision and the reason for it.

c) The appealing member shall also briefly state the reason for the appeal, after which, without further debate, the question shall be put to the meeting as follows: "Shall the decision of the Presiding Officer stand as the decision of the meeting?"

d) It shall require a majority vote to sustain such appeal.

Section 11: Motions at Divisional Meetings

a) A motion properly put to any Divisional meeting shall be put to the other Divisional meetings, exactly as originally presented (but with any amendments if such is the case) without explanation;

b) The benefit of the result of the vote at other Divisional meetings shall not be given until the vote of the Division has been recorded.

c) In exceptional circumstances, where guidance may be of benefit to the Local Union as a whole, it may be the prerogative of the President, or Presiding Officer, to clarify the issues.

ARTICLE D FINANCIAL POLICY MANUAL

Section 1: Financial Policy Manual

A Financial Policy Manual shall:

a) Be created

b) Set out reimbursements to members, committees and other out of pocket expenses;

c) Deal with any other matters which involve financial obligations to the Local Union;

d) Be subject to review and revision by the Trustees from time to time as they deem necessary;

e) Amendments to the Financial Policy Manual shall be made under the provision of Article 15.

Section 2: Leave from Work

Any member who is absent from work on authorized Union business shall be fully compensated by the Union for loss of wages and for any other properly incurred expenses.

ARTICLE E BALLOTING PROCEDURES

Section 1: Ballots

a) As per Article 7 (Elections), balloting procedures shall take the following form:

- Each ballot shall be a single sided sheet;
- There shall be a single ballot for each position to be elected;
- Each ballot sheet shall contain the names of all valid nominations for one

position;
- Each ballot sheet for each position in a given election shall be of a different colour;

b) A collection of ballot sheets reflecting all positions eligible for election shall be referred to as a ballot book;

c) Each Division shall have its own ballot book;

d) Ballots will only be made available to members at the balloting site, during the hours designated for balloting;

e) Each Division shall have its own ballot box which:

- Shall be locked;
- Have a privacy shield to ensure secrecy;
- Be clearly visible to ensure propriety of the balloting.

Section 2: Scrutineers

a) Each candidate may appoint a scrutineer;

b) The candidate must present the name of this scrutineer to the Returning Officer.

Section 3: Election of delegates to Convention or Conference

When there are a number of nominees for delegates to a convention or conference, voters shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.

Section 4: Balloting Assistance

The Returning Officer may, upon consultation and approval of the President, appoint members to assist the Election Committee as necessary and required to ensure the proper and orderly conduct of balloting and counting of ballots.

ARTICLE F ORDER OF BUSINESS

The agenda for all Union Meetings shall include:

Call to Order – Territorial Acknowledgement and reading of the Equality Statement
Roll Call of Officers
Adoption of the Agenda
Reading of Previous Minutes
Applications for Membership (Voting and Swearing-in)
Reports
Nominations, Elections and Installations
Unfinished Business
New Business
Good and Welfare
Adjournment

ARTICLE G CODE OF CONDUCT

The mandate of our union, the Canadian Union of Public Employees (CUPE), is to organize and defend workers and to promote economic and social justice for our members and for all workers. In carrying out our work, we in CUPE strive to promote our core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

CUPE is committed at all levels to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. CUPE needs to ensure that we provide a safe environment for members, staff and elected officers to carry out our work. CUPE's expectation is that mutual respect, understanding and co-operation will be the basis of all our interaction.

The Code of Conduct sets out standards of behaviour for participants at national convention, national conferences, schools, meetings, and all other events organized by CUPE National. It is also applicable to structures of CUPE – locals, Provincial and Service Divisions, District Councils, Provincial Unions, Councils of Unions, Provincial Councils of Unions, and Provincial Sectoral Groups. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution.

This Code of Conduct is intended to deal with complaints of inappropriate behaviour at events organized by CUPE National and at events, meetings and activities by other parts of CUPE referenced above. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As CUPE members, staff, and elected officers, we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement.
- Respect the views of others, even when we disagree.
- Recognize and value individual differences.
- Communicate openly.
- Support and encourage each other.
- Make sure that we do not harass or discriminate against each other.
- Commit to not engaging in offensive comment or conduct.
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating.
- Take responsibility for not engaging in inappropriate behaviour due to use of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding the Code of Conduct will be handled as follows:

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking them to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. At national convention, national conferences, schools, meetings, and all other events organized by CUPE National, a complaint shall be brought to the attention of an ombudsperson.
3. At a meeting, event, or activity held by a structure of CUPE, should an ombudsperson be available, the same process would be used. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
4. If the complaint involves a staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another part of CUPE, the person responsible for their employment will be the one to whom a complaint is referred and the relevant collective agreement, should it exist, would be applicable.
5. Once a complaint is received where an ombudsperson is being used, the ombudsperson will work to seek a resolution.
6. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.
7. At CUPE National events where an ombudsperson is not available, a person properly appointed and designated to be in charge shall receive the complaint. Depending on the nature of the problem, the person in charge may attempt to resolve it through conflict resolution. If this fails to resolve the matter, the person in charge shall determine whether there is a need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses. The same process is to be used for other parts of CUPE where an ombudsperson is not available.
8. For National events, if the person in charge is a party to the complaint, the director or designate shall assume that role. For all other parts of CUPE, an alternate will be designated to assume the role.
9. In a case where a member has been expelled from an event, the National President shall receive a report on the matter. For all other structures of CUPE, the presiding officer shall receive a report on the matter.
10. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. A similar process may be applicable to the other parts of CUPE, done in consultation with the National President.

This Code of Conduct is designed to create a safe, respectful and supportive environment within all parts of CUPE. It is meant to enhance the rights and obligations outlined in the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

All chartered organizations are subject to this Code of Conduct, to apply to conventions, conferences, schools, and meetings which they organize.

ARTICLE H APPROVAL AND EFFECT

This revised Constitution and By-Laws shall come into full force and effect upon the adoption by Burnaby Civic Employees Union Local 23, and the approval of the President of the Canadian Union of Public Employees.